

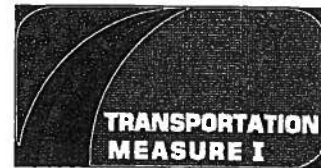


San Bernardino Associated Governments

1170 W. 3rd St., 2nd Fl., San Bernardino, CA 92410-1715

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Web: www.sanbag.ca.gov



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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA

Commuter Rail and Transit Committee Meeting

August 19, 2010

12:00 p.m.

Location

SANBAG Office

Super Chief Conference Room

1170 West 3rd St., 2nd Fl.

San Bernardino, CA

Commuter Rail and Transit Committee Membership

Chair

Mayor Patricia Gilbreath
City of Redlands

Mayor Pro Tem Bill Jahn
City of Big Bear Lake

Vice Chair

Mayor Patrick Morris
City of San Bernardino

Council Member Bea Cortes
City of Grand Terrace

Mayor Kelly Chastain
City of Colton

Council Member Mike Leonard
City of Hesperia

Mayor Paul Eaton
City of Montclair

Council Member Larry McCallon
City of Highland

Mayor John Pomierski
City of Upland

Council Member Diane Williams
City of Rancho Cucamonga

Supervisor Neil Derry
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

***As a Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

Commuter Rail and Transit Committee Meeting

August 19, 2010

12:00 p.m.

Location: SANBAG Office, 1170 West 3rd St., 2nd Fl., San Bernardino

R.S.V.P. by Monday, August 16th to Daylene at (909) 884-8276

CALL TO ORDER

(Meeting Chaired by Mayor Patricia Gilbreath)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications - Daylene Burris

Notes/Actions

1. **Possible Conflict of Interest Issues for the Commuter Rail and Transit Committee Meeting of August 19, 2010** Pg. 8

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Committee Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

2. **Commuter Rail and Transit Committee Attendance Roster** Pg. 9

A quorum shall consist of a majority of the membership of each Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

Discussion Items

3. Funding Commitment and Letter of Support to Southern California Regional Rail Authority for a Letter of No Prejudice request to the California Transportation Commission for Positive Train Control Pg. 11

1. Approve the commitment of \$12,396,377 to advance Proposition 1A High Speed Rail Bond Act funds, should they be necessary, until bond funds can be sold by the state and allocated to the Southern California Regional Rail Authority.

2. Authorize the Executive Director to sign a letter of support for the Southern California Regional Rail Authority's request for a Letter of No Prejudice from the California Transportation Commission for Positive Train Control. **Ryan Graham**

4. Southern California Regional Rail Authority use of the High Speed Passenger Train Proposition 1A Bond Funds for Positive Train Control Pg. 17

1. Authorize the Board President to execute a Memorandum of Understanding (MOU) C11047 with the Southern California Regional Rail Authority (SCRRA) for use of the High Speed Passenger Train Proposition 1A bond funds for positive train control (PTC) and other projects through the execution of a Letter of No Prejudice (LONP) with the California Transportation Commission (CTC) and associated authorization legislation.

2. Authorize the Board President to execute an annual Memorandum of Understanding or other agreements as need with SCRRA and other entities to allow for the allocation of funds as authorized. **Ryan Graham**

5. Legal Services for E Street sbX Right of-Way Acquisition Pg. 35

Approve scope of work and authorize staff to release a Request for Proposals RFP 11049 for legal services related to the acquisition of right-of-way needed for the E Street sbX project. **Ryan Graham**

Discussion Items (Continued)... .**6. Railroad Right-of-Way Property Management** Pg. 38

1. Approve scope of service and authorize staff to include as part of a Request for Proposals RFP 11050 for Railroad Right-of-Way Property Management services.

2. Direct staff to prepare a letter to the Los Angeles County Metropolitan Transportation Authority (LACMTA) to terminate Property Management Agreement 94-050. **Ryan Graham**

7. Administrative Function for Victor Valley Transit Authority Pg. 46

Receive update on SANBAG's assistance with the In-House Administrative process for Victor Valley Transit Authority (VVTa). **Mitch Alderman**

8. Comprehensive Operational Analysis (COA) of Omnitrans Services Pg. 48

Approve Request for Proposals RFP 11044 for a Comprehensive Operational Analysis of Omnitrans Services. **Mitch Alderman**

9. The Consolidated Transportation Services Agency for the San Bernardino Valley Pg. 59

1. As required in Section 6680 of Title 21 of the California Code of Regulation, designate Valley Transportation Services, the nonprofit corporation identified in Exhibit "A" to act as a CTSA for the San Bernardino Valley, contingent upon the legal formation of such nonprofit corporation.

2. Appoint the SANBAG appointees to the CTSA as original incorporators of the nonprofit corporation.

3. Authorize a budget amendment to establish a 2% pass through of the Valley Senior and Disabled transit fund using task 4170.50.0513.548000..

4. Allocate and transfer an amount not to exceed \$250,000 in Measure I, CTSA provision funds to the nonprofit corporation for startup activities and reimbursement for SANBAG staff costs. **Mitch Alderman**

Discussion Items (Continued)...**10. Amendment No. 1 to Contract C09114 with Paratransit, Inc. Pg. 70**

Approve Amendment No. 1 to Contract C09114 with Paratransit, Inc., doing business as Innovative Paradigms, for the design study of the Consolidated Transportation Services Agency, to increase the total amount of the contract by \$100,000 for a not-to-exceed contract amount of \$199,477.73 and to extend the contract term to December 31, 2011. **Mitch Alderman**

Public Comments**11. Additional Items from Committee Members****12. Brief Comments by the General Public****Additional Information****Acronym List**

Pg. 76

ADJOURNMENT

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: August 19, 2010

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
	C09114-1	Paratransit, Inc. <i>Linda Deavens</i>	

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2010
Commuter Rail and Transit Policy Committee Meetings are held on odd months

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Patricia Gilbreath City of Redlands			X		X		X					
Bea Cortes City of Grand Terrace (Appointed May 2007)	X		X		X		X					
Kelly Chastain City of Colton (Appointed February 2007)	X		X				X					
Paul Eaton City of Montclair	X				X		X					
Neil Derry County of San Bernardino (Appointed March 2009)	X		X		X		X					
Bill Jahn Mayor Pro Tem (Appointed October 2009)					X		X					
Mike Leonard Council Member (Appointed October 2009)			X				X					
Larry McCallon City of Highland (Appointed June 2007)			X		X		X					
Patrick Morris City of San Bernardino (Appointed May 2006)	X				X		X					
John Pomierski City of Upland (Appointed March 2009)	X		X		X		X					
Diane Williams City of Rancho Cucamonga			X		X		X					

X = Member attended meeting. *Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2009

Commuter Rail and Transit Policy Committee Meetings are held on odd months

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Patricia Gilbreath City of Redlands	X		X		X		X		X	X	X	
Bea Cortes City of Grand Terrace (Appointed May 2007)	X				X		X		X	X	X	
Kelly Chastain City of Colton (Appointed February 2007)	X		X		X		X		X	X	X	
Paul Eaton City of Montclair	X						X		X	X	X	
Neil Derry County of San Bernardino (Appointed March 2009)					X		X		X		X	
Bill Jahn Mayor Pro Tem (Appointed October 2009)												
Mike Leonard Council Member (Appointed October 2009)										X	X	
Larry McCallon City of Highland (Appointed June 2007)	X		X		X				X	X		
Patrick Morris City of San Bernardino (Appointed May 2006)	X		X		X		X		X	X	X	
John Pomierski City of Upland (Appointed March 2009)			X				X		X	X	X	
Diane Williams City of Rancho Cucamonga	X		X		X		X		X	X	X	

X = Member attended meeting. *Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

Minute Action

AGENDA ITEM: 3

Date: August 19, 2010

Subject: Funding Commitment and Letter of Support to Southern California Regional Rail Authority for a Letter of No Prejudice request to the California Transportation Commission for Positive Train Control

- Recommendation:***
1. Approve the commitment of \$12,396,377 to advance Proposition 1A High Speed Rail Bond Act funds, should they be necessary, until bond funds can be sold by the state and allocated to the Southern California Regional Rail Authority.
 2. Authorize the Executive Director to sign a letter of support for the Southern California Regional Rail Authority's request for a Letter of No Prejudice from the California Transportation Commission for Positive Train Control.

Background: The Southern California Regional Rail Authority (SCRRA), the Metrolink operator, is an eligible recipient of \$124.7 million in formula funds under the High Speed Passenger Train Bond Act (Proposition 1A). As discussed under a separate agenda item, the SCRRA has identified Positive Train Control (PTC) and Rehabilitation as two projects it plans to fund with the Proposition 1A funding. Additionally, SCRRA plans to award one of the key contracts for PTC by September 24, 2010 or possibly sooner.

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

COG		CTC	x	CTA		SAFE		CMA	
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Check all that apply.

CRTC1008d-rpg

Attachments:

CRTC1008d1-rpg

CRTC1008d2-rpg

Allocation of the High Speed Passenger Train Bond Act funds was scheduled for approval at the California Transportation Commission (CTC) meeting in July 2010. However, the item was deferred due to the lack of State budget and uncertainty related to the potential sale of State Bonds to fund the allocation. To correct the problem, State legislation is being pursued to authorize issuance of a Letter of No Prejudice (LONP) for the Proposition 1A funds, wherein SCRRA could gain approval to proceed with the project and to spend funds in advance of the availability of State funds. If approved, the LONP process requires that SCRRA member agencies agree to advance funds for the project. SCRRA currently has cash flow to fund the project possibly through the end of the 2010 calendar year.

Approval of this item provides a guarantee of SANBAG's financial commitment in the amount of \$12,396,377 to SCRRA to advance its share of Proposition 1A funds for PTC, should the bond funding not be available when needed. Approval of this item would also authorize the Executive Director to provide a letter to SCRRA to include as part of its LONP application that confirms this commitment.

It is possible that all or part of the funding that SANBAG is guaranteeing may not be required for the PTC project. Staff participated in a value engineering peer review panel from July 20-21 comprised of representation from the SCRRA member agencies, Amtrak, BNSF and UP. Based on initial recommendations from the peer review panel, a number of elements currently contained in the project scope for PTC may not be recommended for inclusion in the final scope. Staff is waiting for the final outcome of the peer review panel. Any cost reductions from a modified PTC project scope will reduce the amount SANBAG would be obligated to fund.

Staff is recommending that the Board only provide the guarantee that it will advance the \$12,396,377 should the funds be needed in advance of Proposition 1A funding availability. If it becomes imminent that the funds will be required by SCRRA for PTC, staff would develop a financial plan that would provide the specific funding sources that would fund the \$12,396,377 commitment. At that point in time, staff would have a better sense of any cost savings from scope reduction.

In order to meet the timeframe for approval of the Metrolink contract for PTC, SCRRA is pursuing LONP approval and allocation at the September 22/23, 2010 CTC meeting. SANBAG must commit to advance the necessary funds in advance of this meeting in order for the CTC to approve the LONP.

The currently proposed SCRRA Member Agency shares for the Positive Train Control LONP are included in Attachment 1 to this agenda item. The proposed letter of support SCRRA's LONP is included as Attachment 2 to this agenda item.

Financial Impact: This item is consistent with the currently adopted FY2010/2011 Budget, TN. 35211000 General Commuter Rail. Approval of this item, however, would establish a commitment to fund \$12,396,377 of SANBAG's PTC obligation should Proposition 1A funds not be available when needed. If the SANBAG is required to provide the funds to SCRRA in the future, staff would prepare a funding plan with the specific fund types and amounts for future Board consideration and amendment into the Budget.

Reviewed By: This item is scheduled for review by the Commuter Rail & Transit Committee on August 19, 2010.

Responsible Staff: Ryan Graham, Transit Planning Analyst

PROPOSED PTC LONP SHARES

Prop 1A FY 11 LONP Need for PTC	
Intercity Rail July 1 Request	\$ 46,550,000
Commuter Rail August 11 Request	\$ 12,200,000
Total	\$ 58,750,000

	Member Agency	Share of Total PTC Project	Member Funds Programmed	Balance	Share of Balance	Share Applied to LONP Need*
	Metro	\$ 95,760,000	\$ 47,966,055	\$47,793,945	48.5%	\$ 28,484,061
	OCTA	\$ 39,916,800	\$ 38,442,405	\$1,474,395	1.5%	\$ 878,705
	RCTC	\$ 22,377,600	\$ 4,979,223	\$17,398,377	17.6%	\$ 10,369,021
	SANBAG	\$ 29,030,400	\$ 8,230,284	\$20,800,116	21.1%	\$ 12,396,377
	VCTC	\$ 14,515,200	\$ 3,404,296	\$11,110,904	11.3%	\$ 6,621,836
	TOTAL	\$ 201,600,000	\$ 103,022,263	\$98,577,737	100.0%	\$ 58,750,000

ATTACHMENT 2

August 12, 2010

Mr. John Fenton
Chief Executive Officer
Southern California Regional Rail Authority
818 West 7th Street, Suite 2600
Los Angeles, CA 90017

CALIFORNIA TRANSPORTATION COMMISSION LETTER OF NO PREJUDICE FOR SCRRA POSITIVE TRAIN CONTROL PROJECT

Dear Mr. Fenton:

I am writing to express our support for your Letter of No Prejudice (LONP) request to the California Transportation Commission (CTC) for the Positive Train Control (PTC) project. Our support also extends to providing a financial guarantee for our member agency share of local funds to replace Proposition 1A High Speed Passenger Train Bonds (Prop 1A) funds, should it be necessary. PTC is a very high priority for the San Bernardino Associated Governments (SANBAG), and we are making every effort to ensure that the necessary funding is available to Southern California Regional Rail Authority (SCRRA) for an expeditious implementation.

At a July 16, 2010 meeting of the SCRRA member agencies, each agreed to take on a share of the responsibility for providing a financial guarantee for the project. The agreed upon shares are shown in Enclosure A. SANBAG's share of the LONP is estimated at 21.1%. Applying this share to the \$46.55 million intercity allocation request first agendized for the July 1, 2010 CTC meeting and the \$12.2 million commuter rail allocation request to be agendized for the August 11, 2010 CTC meeting, the SANBAG is committed to advance funding of up to \$9.8 million and \$2.5 million, respectively, for a total of \$12.3 million.

I understand that the purpose of the LONP for Prop 1A funds is to allow SCRRA to award and enter into a design-build contract for implementing Positive Train Control and that SCRRA has sufficient other funding to carry the project for approximately six months. SCRRA would only access member agency funds should other funds be exhausted before the state can make Prop 1A funding available. Enclosure B includes copies of a minute action by the SANBAG Board approving SANBAG's advance of \$12,396,377 funds for the PTC project.

Mr. John Fenton
August 12, 2010
Page 2

Should you have any questions, please contact Mitch Alderman at (909) 884-8276.

Sincerely,

Deborah Robinson Barmack
Executive Director

Enclosures:

- A. LONP Shares for Positive Train Control
- B. SANBAG Board minute action approving the financial guarantee of SANBAG's share for PTC

cc: Art Leahy, LACMTA
Bill Bronte, Caltrans Division of Rail
Will Kempton, OCTA
Darren Kettle, VCTC
Cindy McKim, Caltrans
Anne Mayer, RCTC
Bimla Rhinehart, CTC
David Sosa, Caltrans District 7

Minute Action

AGENDA ITEM: 4

Date: August 19, 2010

Subject: Southern California Regional Rail Authority use of the High Speed Passenger Train Proposition 1A Bond Funds for Positive Train Control

- Recommendation:***
1. Authorize the Board President to execute a Memorandum of Understanding (MOU) C11047 with the Southern California Regional Rail Authority (SCRRA) for use of the High Speed Passenger Train Proposition 1A bond funds for positive train control (PTC) and other projects through the execution of a Letter of No Prejudice (LONP) with the California Transportation Commission (CTC) and associated authorization legislation.
 2. Authorize the Board President to execute an annual Memorandum of Understanding or other agreements as needed with SCRRA and other entities to allow for the allocation of funds as authorized.

Background: The Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century approved by the voters as Proposition 1A on November 4, 2008, authorized the California Transportation Commission (CTC) upon appropriation by the Legislature to allocate funds for capital improvements to intercity rail lines, commuter rail lines, and urban rail systems that provide direct connectivity to the high-speed train system and its facilities, or that are part of the construction of the high-speed train system as set forth in Streets and Highways Code, Division 3, Chapter 20, Section 2704.04, subdivision (b) or that provide capacity enhancements, safety improvements and rehabilitation. Section 2704.095 requires

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

X	COG	X	CTC	X	CTA		SAFE		CMA
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Check all that apply

CRTC1008b-rpg

Attachment::

C11047-rpg

the Commission to program and allocate the net proceeds received from the sale of \$950 million in bonds authorized under Proposition 1A for the High-Speed Passenger Train Bond Program.

For the Commuter and Urban Rail Program, a total of \$760,000,000 is to be divided among eligible applicants using a formula distribution which incorporates track miles, vehicle miles, and passenger trips. Under the formula, SCRRA is eligible to receive up to \$123,707,000, depending on bond program administration costs. The CTC intends to adopt an initial three-year program of projects starting with the 2010-11 Fiscal Year. As appropriate, if programming capacity remains, the Commission will adopt an annual rolling three-year program of projects for the Proposition 1A Program each fiscal year.

The project applications must meet the criteria set forth in Section 2704.095 (c) through (i) and for SCRRA, also the requirements of subsection (j) of the Streets and Highway Code. This funding provision is specific to SCRRA and requires that fund allocations to SCRRA be apportioned each fiscal year in accordance with memorandums of understanding between SCRRA and its Member Agencies.

SCRRA staff has worked with the staff of the member agencies to identify three project categories. In order to receive an allocation of these funds from the CTC, the act requires the SCRRA to enter into an MOU with the five member agencies that will individually approve the use. The SCRRA requires a portion of its formula share of the Proposition 1A for the PTC project. The SCRRA plans to award one of the key contracts for PTC by September 24, 2010 or possibly sooner.

In order to meet the timeframe for approval of the SCRRA contract for Positive Train Control, SCRRA is pursuing a LONP approval for its allocation of formula funds at the September 22/23, 2010 CTC meeting. This MOU must be in place before the CTC will consider the LONP or approve SCRRA's allocation of funds. A copy of the MOU is included as Attachment 1 to this agenda item.

- Financial Impact:** This item is consistent with the current adopted FY 2010/2011 Budget, Task No. 35211000 General Commuter Rail.
- Reviewed By:** This item is scheduled for review by the Commuter Rail & Transit Committee on August 19, 2010 and has also been reviewed by SANBAG Counsel.
- Responsible Staff:** Ryan Graham, Transit Planning Analyst

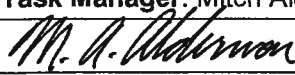

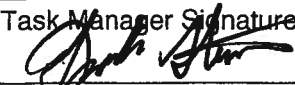
SANBAG Contract No. C11047

by and between

San Bernardino Associated Governments and Los Angeles County Metropolitan Transportation Authority,
Orange County Transportation Authority, Riverside County Transportation Commission, Ventura County
Transportation Commission, and Southern California Regional Rail Authority
for Uses of Prop 1A Funds

FOR ACCOUNTING PURPOSES ONLY						
<input type="checkbox"/> Payable	Vendor Contract # _____	Retention:	<input checked="" type="checkbox"/> Original			
<input type="checkbox"/> Receivable	Vendor ID _____	<input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input type="checkbox"/> Amendment			
Notes:						
Original Contract:		\$ 0		Previous Amendments		\$ 0
				Previous Amendments		\$ 0
				Contingency / Allowance Total:		
Contingency / Allowance Amount		\$ 0		Current Amendment:		\$ 0
				Current Amendment Contingency / Allowance:		\$ 0
Contingency Amount requires specific authorization by Task Manager prior to release.						
Contract TOTAL ►						\$ 0
* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.						
▼ Include funding allocation for the original contract or the amendment						
Main Task/ Project	Level 1	Level 2	Cost Code/ Object	Grant ID/ Supplement	Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.)	Amounts for Contract Total or Current Amndmnt Amt
_____	_____	_____	_____	_____	_____	\$ 0
_____	_____	_____	_____	_____	_____	\$ 0
_____	_____	_____	_____	_____	_____	\$ 0
Original Board Approved Contract Date:				9/1/10	Contract Start: 7/1/10	Contract End: 6/30/10
New Amend. Approval (Board) Date:				_____	Amend. Start: _____	Amend. End: _____
Allocate the Total Contract Amount or Current Amendment amount between Approved Budget Authority in the current year and Future Fiscal Year(s) Unbudgeted Obligation .						
Approved Budget Authority ►		Fiscal Year: 0		Future Fiscal Year(s) – Unbudgeted Obligation ►		\$ 0
		\$ 0				
<input type="checkbox"/> Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.).						
<input type="checkbox"/> A budget amendment is required. A Budget Amendment Request is attached.						

CONTRACT MANAGEMENT	
Check all applicable boxes:	
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private
<input type="checkbox"/> Federal Funds	<input type="checkbox"/> State/Local Funds
<input type="checkbox"/> Disadvantaged Business Enterprise (DBE)	<input type="checkbox"/> Underutilized DBE (UDBE)

Task Manager: Mitch Alderman		Contract Manager: Ryan Graham	
	8/12/10		8/12/10
Task Manager Signature	Date	Contract Manager Signature	Date
	8/12/10		
Chief Financial Officer Signature	Date		

PROPOSITION 1A MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
AND
ORANGE COUNTY TRANSPORTATION AUTHORITY
AND
RIVERSIDE COUNTY TRANSPORTATION COMMISSION
AND
SAN BERNARDINO ASSOCIATED GOVERNMENTS
AND
VENTURA COUNTY TRANSPORTATION COMMISSION
AND
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
FOR APPROVAL OF
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) USES OF
COMMUTER RAIL FORMULA SHARE HIGH SPEED PASSENGER TRAIN BOND
(PROPOSITION 1A) FUNDS

THIS Memorandum of Understanding ("MOU") is effective as of July 1, 2010, by and between the Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, CA 90012 (hereinafter referred to as "LACMTA"), the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584 (hereinafter referred to as "OCTA"), Riverside County Transportation Commission, 4080 Lemon Street, 3rd Floor, P.O. Box 12008, Riverside, CA 92502 (hereinafter referred to as "RCTC"), San Bernardino Associated Governments, 1170 West 3rd Street, San Bernardino, CA 92410 (hereinafter referred to as "SANBAG") and Ventura County Transportation Commission, 950 County Square Drive, Ventura, CA 93003 (hereinafter referred to as "VCTC"), (collectively, the "Member Agencies"), and the Southern California Regional Rail Authority, 700 South

C11047-rpg

MOU Approving SCRRA Uses of Proposition 1A Funds

Flower Street, Suite 2600,, Los Angeles, CA 90017, (hereinafter referred to as "SCRRA"), (collectively, the "Parties" and individually a "Party").

RECITALS:

WHEREAS, the SCRRA is an eligible recipient of up to \$123,707,000 in commuter rail connectivity formula funds (the "Funds") under the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, California Streets and Highways Code Sections 2704 et seq. (the "Act"); and

WHEREAS, the project applications must meet the criteria set forth in Section 2704.095 (c) through (i) and for the SCRRA, also the requirements of subsection (j) of the Streets and Highway Code. This funding provision is specific to the SCRRA and requires that fund allocations to the SCRRA be apportioned each fiscal year in accordance with memorandums of understanding between the SCRRA and its Member Agencies; and

WHEREAS, SCRRA staff has worked with the staff of the Member Agencies to identify three project categories. At the SCRRA Board meeting on April 2, 2010, the Board adopted a program of projects; and

WHEREAS, the California Transportation Commission (CTC) has adopted an initial three-year program of projects starting with the 2010-11 Fiscal Year. As appropriate, if programming capacity remains, the Commission will adopt an annual rolling three-year program of projects for the Proposition 1A Program each fiscal year; and

WHEREAS, the CTC, as part of the initial three-year program, programmed Funds in the amount of \$87,700,000 to the SCRRA, including \$35,000,000 for the Positive Train Control project and \$52,700,000 for Renovation and Rehabilitation;

WHEREAS, in order to receive an allocation of the Funds from the CTC, the Act requires the SCRRA to enter into memoranda of understanding with the five Member Agencies, approving the uses; and

WHEREAS, the Member Agencies desire to ensure that the Funds are used in a manner that benefits all counties throughout the Metrolink system; and

WHEREAS, the Member Agencies' governing boards and commissions have taken action to approve or will soon take action to consider approving Project No. 1 and Project No. 2 as shown in Attachment A, incorporated herein by reference. The dates of such actions are: The LACMTA Board acted on March 25, 2010; The OCTA Board will take action on August 23, 2010; The RCTC will take action on September 10, 2010; The SANBAG Board will take action on September 1, 2010; VCTC will take action on September 10, 2010; and

WHEREAS, the Parties desire that the Funds either be used for systemwide projects, or for projects in the Member Agencies' jurisdictions allocated in a method similar to the Passenger Rail Improvement Safety and Modernization ("PRISM") formula used to calculate connectivity formula funds, as described in Attachment B, incorporated herein by reference ("Allocation Formula").

NOW, THEREFORE, it is mutually understood and agreed by the PARTIES as follows:

ARTICLE 1. APPROVAL OF USES OF FUNDS

- A. The Member Agencies approve the SCRRA'S use of the Funds for Project No. 1 and Project No. 2.
- B. Prior to use of funds for the "Yet to Be Programmed Balance" shown on Attachment A, the SCRRA shall submit to the Member Agencies a proposed revision to Attachment A, specifying additional projects, and demonstrating that the projects are either systemwide, or have been selected in accordance with the Allocation Formula. Prior to any allocation or expenditure of the Funds associated with the Yet to Be Programmed Balance, this MOU shall be amended by all Parties to revise Attachment A.

ARTICLE 2. TERM

- A. The term of this MOU is from July 1, 2010 to June 30, 2011. The MOU shall automatically renew each year on July 1 until the Funds are expended, any required audits are completed, and the grants are closed.

ARTICLE 3. ENTIRE AGREEMENT

- A. This MOU, along with its Attachments, constitutes the entire understanding between the Parties, with respect to the subject matter herein. The MOU shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the individuals who agreed to the original MOU or someone with the same level of authority.
- B. If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

- C. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered shall be deemed an original and all of which together shall constitute the same agreement. Facsimile signatures will be permitted.
- D. This MOU shall be governed by California law. The covenants and agreements of this MOU shall inure to the benefit of, and shall be binding upon, each of the Parties and their respective successors and assigns.

ARTICLE 4. NOTICE

Any notices or correspondences in connection with this MOU shall be sent to:

LACMTA:

Jay Fuhrman
One Gateway Plaza
Mailstop 99-23-4
Los Angeles, CA 90012-0952
E-mail: fuhrmanj@scrra.net

OCTA:

Jennifer Bergener
550 South Main Street,
P.O. Box 14184,
Orange, California 92863-1584
E-mail: jbergener@octa.net

RCTC:

Sheldon Peterson
4080 Lemon Street, 3rd Floor,
P.O. Box 12008,
Riverside, CA 92502
E-mail: speterson@rctc.org

SANBAG:

Mitch Alderman
1170 West 3rd Street,
San Bernardino, CA 92410
E-mail: malderman@sanbag.ca.gov

VCTC:

Mary Travis
950 County Square Drive,
Ventura, CA 93003
E-mail: mtravis@goventura.org

SCRRA

Joanna Capelle
700 South Flower Street, Suite 2600,
Los Angeles, CA 90017
E-mail: capellej@scrra.net

Notice will be given to the Parties at the address specified above or by e-mail with hard copy to follow, unless otherwise notified in writing of a change of address.

ARTICLE 5. INDEMNIFICATION, DEFAULT

- A. No Party nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or committed to be done by another Party under or in connection with any Funds approved to be used or used by a Party, its officers, agents, employees, contractors and subcontractors under this MOU. Each Party shall fully indemnify, defend and hold other Parties, and their officers, agents and employees, harmless from and against any liability and expenses, including without limitation, defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any environmental obligation, any legal fees and any claims for damages of any nature whatsoever arising out of any Funds approved to be used or used hereunder by such Party, including without limitation: (i) misuse of the Funds by such Party accepting the Funds, or its officers, agents, employees, contractors or subcontractors; (ii) breach of such a Party's obligations under this Agreement; or (iii) any act or omission of such a Party, or its officers, agents, employees, contractors or subcontractors in the performance of the work or the provision of the services hereunder.
- B. The SCRRA in using the Funds as described in this MOU is not a contractor nor an agent or employee of the Member Agencies. The SCRRA attests to no organizational or personal conflicts of interest and agrees to notify the Member Agencies immediately in the event that a conflict, or the appearance thereof, arises. The SCRRA shall not represent itself as an agent or employee of the Member Agencies and shall have no powers to bind the Member Agencies in contract or otherwise.

C11047-rpg

MOU Approving SCRRA Uses of Proposition 1A Funds

- C. No Party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation is prevented or delayed by unforeseen causes including acts of God, acts of a public enemy, and government acts beyond the control and without fault or negligence of the affected Party. Each Party hereto shall give notice promptly to the other of the nature and extent of any such circumstances claimed to delay, hinder, or prevent performance of any obligations under this MOU.

IN WITNESS WHEREOF, the PARTIES hereto have caused this MOU to be executed on the date first above written.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Arthur T. Leahy
Chief Executive Officer

APPROVED AS TO FORM:

Andrea Sheridan Ordin
County Counsel

By: _____

Dated: _____

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____

Will Kempton, Chief Executive Officer

APPROVED AS TO FORM:

By: _____

APPROVAL RECOMMENDED:

By: _____

Darrell Johnson
Deputy Executive Director

Dated: _____

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

BY: _____

Anne Mayer
Executive Director

Dated: _____

APPROVED AS TO FORM:

By: _____

Best, Best & Krieger LLP
General Counsel

SAN BERNARDINO ASSOCIATED GOVERNMENTS

BY: _____

Brad Mitzelfelt
SANBAG Board President

Dated: _____

APPROVED AS TO FORM:

By: _____

Jean-Rene Basle
SANBAG Counsel

VENTURA COUNTY TRANSPORTATION COMMISSION

BY: _____

Darren Kettle
Executive Director

Dated: _____

APPROVED AS TO FORM:

By: _____

Mitchel B. Kahn
General Counsel

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

By: _____
John E. Fenton
Chief Executive Officer

Dated: _____

**SCRRA Uses of Commuter Rail Formula Share of
High Speed Passenger Train Bond Act (Proposition 1A) Funds**

The projects listed below are the SCRRA's proposed uses of the Funds. The SCRRA is eligible to receive up to \$123,707,000 under a rolling three-year program basis. By this agreement the Member Agencies apportion funding for the first three years of the program, Fiscal Years 2010-11, 2011-12, and 2012-13.

The Member Agencies agree to the use of \$87,707,000 by SCRRA as shown in the Subtotal line of the table. Prior to requesting allocation or expending funds for the Balance Yet to Be Programmed of \$36,000,000, the SCRRA shall request a revision to this Attachment identifying the projects and demonstrating that they provide benefits to the Member Agencies, approximately commensurate with the Allocation Formula as described in Attachment B.

Project	FY 10-11	FY 11-12	FY 12-13	Total
1. Positive Train Control (PTC)	\$35,000,000	\$0	\$0	\$35,000,000
2. Rehabilitation	\$17,707,000	\$17,500,000	\$17,500,000	\$52,707,000
SubTotal Programmed by CTC	\$52,707,000	\$17,500,000	\$17,500,000	\$87,707,000
Balance Yet to Be Programmed				\$36,000,000
Total Commuter Rail Formula Proposition 1A Funds Available to SCRRA	\$52,707,000	\$17,500,000	\$17,500,000	\$123,707,000

Allocation Formula

The SCRRA and the Member Agencies worked with other agencies around the state to establish a formula for distributing funds for rehabilitating and renovating passenger rail systems, called the Passenger Rail Improvement Safety and Modernization Formula ("PRISM"). The formula has been codified in Streets and Highways Code Section 2704.095 (a)(3) to distribute Proposition 1A connectivity funds to passenger rail operators. The PRISM formula is based on the following factors: miles of tracks, vehicle miles, and passenger boardings of each operator. In making the apportionments of the Funds, the CTC used data on each factor from the 2007 National Transit Database ("NTD") report.

Streets and Highways Code Section 2704.095 (a)(3)(j) requires that the MOU's take into account the passenger service needs of the SCRRA and the Member Agencies, revenue attributable to Member Agencies, and separate contributions to the SCRRA from the Member Agencies. NTD data is a reasonable and commonly used way to reflect and quantify the passenger service needs of the SCRRA and Member Agencies. Since 2007 NTD data was used to apportion all of the Funds to SCRRA, it is consistent for SCRRA and the Member Agencies to use the PRISM formula based on 2007 data to distribute the Funds for each year of the program. The PRISM formula using 2007 NTD data results in the following distribution amount the Member Agencies:

Agency	Member Agency Shares of Total SCRRA Connectivity Funding*	Potential Revenue (less 2% Bond Admin)	Miles of Track Utilized	% of Total Track-miles	Annual Vehicle Miles (000s)	% of Total Vehicle-miles	Annual Unlinked Passenger Boardings (000s)	% of Total Pass-Trips
MTA	51.4%	\$63,618	320.0	18.4%	5,731.7	4.7%	8225.3	2.5%
OCTA	21.5%	\$26,579	155.4	8.9%	2,063.3	1.7%	267.9	0.1%
RCTC	10.8%	\$13,388	76.0	4.4%	932.0	0.8%	844.5	0.3%
SBAG	9.1%	\$11,215	55.0	3.2%	1,380.5	1.1%	729.4	0.2%
VCTC	7.2%	\$8,907	47.0	2.7%	347.4	0.3%	1951.8	0.6%
TOTAL (SCRRA)	100.0%	\$123,707	653.4	37.6%	10,454.9	8.6%	12,018.9	3.7%

* Member Agency shares are approximate and will depend on selection of priority projects and availability of local match, thus taking into consideration revenue attributable to Member Agencies, and the separate contributions to the SCRRA from the Member Agencies, to create the "Allocation Formula" to be applied by SCRRA.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: August 19, 2010

Subject: Legal Services for E Street sbX Right-of-Way Acquisition

Recommendation:* Approve scope of work and authorize staff to release a Request for Proposals RFP 11049 for legal services related to the acquisition of right-of-way needed for the E Street sbX project.

Background: Over the past 3 months, SANBAG and Omnitrans staff had worked to determine the best mechanism for acquiring the right-of-way for the E Street sbX BRT line in the cities of San Bernardino and Loma Linda. During those discussions, it was acknowledged that Omnitrans' Joint Powers Authority (JPA) by-laws do not explicitly permit the authority to acquire right-of-way through use of eminent domain. To avoid a potential legal challenge, should eminent domain be required, Omnitrans asked SANBAG for assistance with the right-of-way acquisition.

At the July 7, 2010 SANBAG Board meeting, the Board approved Contract No. C10263 between SANBAG and Omnitrans to perform the right-of-way acquisition for the E Street sbX BRT. The Board also approved Amendment No. 1 to Contract No. C10079 with HDR Engineering Inc. to provide all related support services to deliver the necessary interests in real property.

As part of C10263, SANBAG is authorized to retain legal counsel for the right-of-way acquisition. Working with SANBAG's County Counsel, staff has obtained a scope of work for the legal support that will be required as part of the

*

Approved
 Commuter Rail and Transit Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

COG		CTC	x	CTA		SAFE		CMA	
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Check all that apply.

CRTC1008c-rpg

Attachment:

CRTC1008c1-rpg

right-of-way acquisition process for the E Street sbX. The scope of work is included as Attachment 1 to this agenda item, but the central elements include the following items: (1) Review of property title of potential or actual Alignment Property (or be available to answer questions) with appraiser before appraisal takes place to address any legal issues that the appraiser might have –i.e., valid easements or title issues; (2) Review appraisal when finished; (3) Review/prepare Board item to approve appraisal and authorize purchase of Alignment Property; (4) Review offers to be made to property owners; (5) Review purchase documents if offer results in a voluntary sale; (6) Prepare Resolution of Necessity; (7) Prepare presentation for Board for hearing on Resolution of Necessity; (7) As required, prepare complaint and all necessary documents to obtain prejudgment possession; (8) As required, litigate and conduct trial; (9) Provide overview (and general advice) of property acquisition procedure and ensure compliance with the Acquisition Regulations; (10) Provide overview (and general advice) of Eminent Domain procedure and ensure compliance with the Acquisition Regulations; (11) Attend all necessary SANBAG Board meetings (Closed or open session), and; (12) Such other matters as may be assigned.

This item authorizes staff to circulate the standard RFP with the accompanying scope of work. Any deviation from the attached scope of work or contractual language included in SANBAG's standard RFP and contract language will be presented to the Board at the time the final negotiated agreement is recommended for approval.

Financial Impact: The item has no direct financial impact to the current adopted FY2010/2011 Budget. All staff activities will be reimbursed by Omnitrans per Contract No. C10263. TN 31511000 Omnitrans, Subtask 31511001 sbx ROW.

Reviewed By: This item is scheduled for review by the Commuter Rail & Transit Committee on August 19, 2010 and has been reviewed by SANBAG Counsel.

Responsible Staff: Ryan Graham, Transit Planning Analyst

Attachment 1

SANBAG RFP FOR LEGAL SERVICES for sbX ROW ACQUISITION

PROJECT: SANBAG is entering in to an agreement with Omnitrans, a joint powers agency, in connection with Omnitrans' "E" Street Corridor sbX Bus Rapid Transit Project ("sbX Project") whereby SANBAG agrees to exercise its power of eminent domain to condemn any property necessary, incidental, or convenient to the exercise of its powers pursuant to statute; SANBAG and Omnitrans agree to coordinate their joint efforts to acquire right-of-way or other property necessary for the construction of the sbX Project development, identified as the "Alignment Property". SANBAG agrees to be responsible for ensuring compliance with all applicable state and federal laws relating to its acquisition of any Alignment Property, including, but not limited to: (i) Cal Const. art. I, § 19; (ii) the California Eminent Domain Law (Code Civ. Proc., §§ 1230.010 et. seq.); (iii) the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, as amended (42 U.S.C. § 4601 et seq.); and (iv) state relocation laws and the implementing regulations (Gov. Code, §§ 7260 et seq., Cal. Code Regs., tit. 25, §§ 6000 et seq.) (defined as the "Acquisition Regulations").

LEGAL SERVICES SCOPE OF WORK: The legal services to be provided to SANBAG concerning the right-of-way acquisition related to the sbX Project may include any or all of the following: (1) Review of property title of potential or actual Alignment Property (or be available to answer questions) with appraiser before appraisal takes place to address any legal issues that the appraiser might have –i.e., valid easements or title issues; (2) Review appraisal when finished; (3) Review/prepare Board item to approve appraisal and authorize purchase of Alignment Property; (4) Review offers to be made to property owners; (5) Review purchase documents if offer results in a voluntary sale; (6) Prepare Resolution of Necessity; (7) Prepare presentation for Board for hearing on Resolution of Necessity; (7) As required, prepare complaint and all necessary documents to obtain prejudgment possession; (8) As required, litigate and conduct trial; (9) Provide overview (and general advice) of property acquisition procedure and ensure compliance with the Acquisition Regulations; (10) Provide overview (and general advice) of Eminent Domain procedure and ensure compliance with the Acquisition Regulations; (11) Attend all necessary SANBAG Board meetings (Closed or open session), and; (12) Such other matters as may be assigned.

Minute Action

AGENDA ITEM: 6

Date: August 19, 2010

Subject: Railroad Right-of-Way Property Management

- Recommendation:***
1. Approve scope of service and authorize staff to include as part of a Request for Proposals RFP 11050, for Railroad Right-of-Way Property Management services.
 2. Direct staff to prepare a letter to the Los Angeles County Metropolitan Transportation Authority (LACMTA) to terminate Property Management Agreement 94-050.

Background: Between 1991 and 1993, SANBAG acquired the Baldwin Park branch, the Pasadena Subdivision and the Redlands Subdivision as part of its commuter rail program. Following the acquisition of these rail assets, in 1994, SANBAG contracted with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to provide it with property management services. The current management services provided to SANBAG by LACMTA includes: environmental due diligence work, management of leases, licenses and easements, ensuring that weed abatement and trash removal is handled, preparing agreements or licenses for utilities and street crossings of the right-of-way, and marketing surplus property. SANBAG initially contracted with LACMTA due to SANBAG staffing shortages and the experience of LACMTA in providing similar property management services within Los Angeles County.

Approved
 Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COG		CTC	X	CTA		SAFE		CMA	
-----	--	-----	---	-----	--	------	--	-----	--

Check all that apply.

CRTC1008a-rpg

Attachment:

CRTC1008a1-rpg

Estimated revenue from SANBAG's rail assets is projected at \$377,859. Expenditures for the 4th quarter FY2009/2010 are \$14,279. The costs incurred by LACMTA for property management services are deducted from the income generated and collected by LACMTA under the terms of our contract.

It is staff's opinion that terminating the contract with LACMTA and circulating the attached scope of services for railroad right-of-way property management services will be advantageous to SANBAG. Advertising this contract will allow consulting firms to be innovative in responding to our scope of services and look for potential areas of efficiency and cost savings. Furthermore, contracting with a consulting firm will allow provide greater responsiveness, document control and asset management as the consulting firm will act as an extension of SANBAG staff. The Riverside County Transportation Commission (RCTC) currently contracts with a firm to provide its right-of-way property management services.

A major component of the scope of services described below includes reviewing all of SANBAG's existing easements, licenses and agreements as well as to survey the alignment for encroachments onto SANBAG's right-of-way. Following the review of SANBAG's rail assets, the licenses will be updated to current fair market value and any individuals or businesses that have been determined to have encroached on the right-of-way will be either required to enter into a license and pay to remain on SANBAG's right-of-way or required to vacate SANBAG's property. In conversations with sister agencies, similar exercises have resulted in an increase in revenue to the agency.

The scope of services included in the RFP contains five sections and includes the following groups of services: evaluation and organization of project management files, development and implementation of property management procedures, management and maintenance of rail asset services, identification and disposal of excess property and other duties as assigned. The scope of services represents the minimum services that staff desires as part of the right-of-way management services contract. The scope has been developed in a general manner to encourage creativity and innovation in meeting SANBAG's need. If deviations to the scope of services are proposed by a consultant responding to the RFP, the scope of services would be modified to include any additions and would be included in the final negotiated contract presented to the Board for approval.

Staff proposes to issue the RFP on September 1, 2010 with proposals due to SANBAG by October 8, 2010. Following receipt of proposals, a short list meeting, consultant interviews and contract negotiation would occur. The tentative Board approval date for any consultant selected under this procurement process would be December 1, 2010.

Finally, SANBAG's contract with LACMTA, Property Management Agreement 94-050, includes a requirement for six months notice to terminate the agreement. Staff asks for direction to provide the six months notice to the LACMTA as required by the agreement. The six month termination requirement will provide an anticipated 3 month transition period and will allow LACMTA to provide assistance to SANBAG and its consultant as the consultant is brought up to speed.

Financial Impact: This item is consistent with the FY 2010/2011 budget. TN 37911000 Commuter Rail Operating Expenses.

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on August 19, 2010

Responsible Staff: Ryan Graham, Transit Planning Analyst

Railroad Right of Way Property Management Qualifications and Scope of Services

BACKGROUND

SANBAG recognizes the need to implement improved monitoring, risk management and financial procedures for the maintenance of its railroad right of way properties. In order to reach that objective, SANBAG will retain a Consultant to review existing databases and property management files, assess and report deficiencies, make recommendations to SANBAG, implement corrections, and establish a comprehensive property management program. The Consultant will then continue to manage real property interests including licenses, leases, franchises, easements, permits, and other related agreements on an ongoing basis. In addition, the consultant shall continually inspect the right of way and remove or cause to be removed encroachments or negotiate leases, licenses or other appropriate agreements with the encroaching entities. The consultant shall maintain the property to the extent that SANBAG is in compliance with government requirements—performing such tasks as weed abatement and environmental review.

QUALIFICATIONS

Consultant staff performing services for SANBAG under this Request for Proposal must have the following qualifications and credentials:

- California Real Estate broker's/sales licenses and other state and local licenses required for property management tasks
- Certified Property Manager (CPM) on staff during full term of the agreement
- Demonstrated experience in property management for other rail entities
- Demonstrated experience and knowledge of rail easements, leases and license agreements
- Demonstrated experience and knowledge in negotiating master utility agreements
- Demonstrated experience in developing and maintaining an electronic inventory database of rail properties and associated agreements
- Demonstrated experience and knowledge of California property management rules and regulations
- Demonstrated experience and knowledge in working with Southern California Regional Rail Authority (SCRRA/Metrolink) and freight railroads (BNSF and UP Railroads) as joint users of SANBAG owned rights of way
- Demonstrated experience and knowledge in working with other adjacent transit agencies, such as RCTC and MTA, who may have rail projects that involve or impact SANBAG
- Demonstrated experience and knowledge of the policies and procedures of the sale of surplus or excess government properties
- Demonstrated experience and knowledge of generally accepted principles of Accounting and Audit and collection procedures for leases and license agreements

- Demonstrated experience and knowledge of legal descriptions
- Demonstrated attendance and completion of rail safety training given by SCRRRA, BNSF, and UP
- Demonstrated experience and knowledge of legal processes for enforcing agreements, removing unlicensed encroachments, and collecting fees

SCOPE OF SERVICES

The Consultant shall provide SANBAG with railroad Property Management Services, as described in the following sections.

I. Evaluate and Organize Property Management Files

1. At the initiation of the assignment, Consultant shall meet with SANBAG staff to discuss the specific scope of work and approach.
2. The Consultant shall review existing leases, licenses, franchises, easements, permits and other operating agreements. Consultant shall develop and maintain a database and filing system for all documents that will emphasize organization and accessibility.
3. The Consultant shall perform a site visit for each property, including all properties under lease or license, to ensure property use is consistent with that which is identified in agreements, evaluate potential encumbrances, assure tenant compliance with required insurance coverage and obtain photographs for the files.
4. The Consultant shall prepare and submit for review by SANBAG staff, monthly reports that describe: rental revenue collected, files reviewed to date, identified deficiencies in those files, identified encroachments, and recommendations for resolution.
5. As necessary, the Consultant shall interview existing tenants or licensees to resolve deficiencies in leases and licenses.
6. The Consultant shall collect back rents and enforce all existing lease and license provisions, utilizing legal procedures as necessary (3-day notices, unlawful detainers, judgments, etc.).
7. The Consultant shall draft and negotiate new agreements or revisions to existing agreements with tenants, licensees, and acceptable encroachments in conformity with SANBAG's standards and procedures.
8. The Consultant shall negotiate, prepare and execute master and sub-agreements with utility and pipeline companies.

9. The Consultant shall coordinate and review all new leases, license and other agreements with SCRRA and BNSF and UP Railroads to ensure that there are no conflicts with existing and future rail operations.
10. The Consultant shall develop procedures to remove unacceptable encroachments.

II. Develop and Implement Property Management Procedures

1. The Consultant shall develop and maintain a property management database that will incorporate the current SANBAG data. The system should be capable of generating reports on inventory, property status, nature of title, identification and location of all contracts (leases, licenses, permits, etc.) and easements, rents, market value, lease and license expiration dates, encumbrances, encroachments, environmental and/or hazardous conditions, insurance coverage, etc.
2. The Consultant shall develop and implement a schedule for periodic property inspections.
3. The Consultant shall determine an initial market rent and value for properties.
4. The Consultant shall establish rent collection procedures and maintain related appropriate financial records for SANBAG.
5. The Consultant shall assess SANBAG needs for master, index and detailed maps for the subject properties, and make a recommendation as to potential programs and/or procedures.
6. The Consultant shall develop and maintain a Geographic Information System (GIS) to track information relevant to property management. Maps displaying property status and other valuable information will be generated from the GIS at the request of SANBAG.
7. The Consultant shall work with SANBAG's GIS/Data Management Department to establish an information sharing process to regularly update and exchange the GIS files identified under Task 6 above.
8. The Consultant shall screen all proposed new lessees and licensees to ensure creditworthiness prior to entering into an agreement.

III. Manage and Maintain Property Services

1. The Consultant shall manage and maintain the licenses, leases, franchises, easements, permits, and other operating agreements related to these properties. Rents and other

income from the property contracts shall be maximized to the highest market rental levels consistent with existing economic conditions.

2. Consultant shall liaise with SANBAG Accounting and Legal departments, provide all rents, forms and financial information required and collect delinquencies.
3. The Consultant shall liaise with the Risk Management Department to ensure conformity with all applicable requirements, provide requisite property information and review insurance coverage of lessees and licensees to ensure compliance with agreements.
4. The Consultant shall update property value and market rent information on a periodic basis and perform specialized appraisals as requested by SANBAG.
5. Consultant shall perform site visits on a periodic basis to review for encumbrances and encroachments, and assess property conditions.
6. Consultant shall oversee property maintenance and management functions, including environmental investigations and appropriate remediations.
7. Consultant shall perform all communication necessary, both verbal and written, to carry out the activities identified under this task.
8. As directed by SANBAG, the Consultant shall attend meetings, make public presentations to individuals and organizations and represent SANBAG in presentations and public hearings on all matters pertaining to property management.

IV. Identify and Dispose of Excess Property

1. The Consultant shall review SANBAG's existing inventory of properties to determine which are needed for current and future projects.
2. The Consultant shall prepare a list of properties that are recommended to be surplus and sold to the public.
3. The Consultant shall meet with SANBAG personnel to discuss the recommendations for surplus land.
4. With SANBAG's approval, the Consultant shall coordinate a minimum value appraisal for each property that has been determined to be surplus.
5. Upon SANBAG's approval, the Consultant shall sell surplus properties, following mandatory government procedures pertaining to the sale of real property by a public agency.

V. Other Services

1. The Consultant shall provide other services required by SANBAG including acquisitions, budget preparation, security and special studies.
2. The Consultant shall develop a marketing program for all SANBAG properties to maximize license and lease revenues and reduce costs.
3. The Consultant shall respond in a timely manner to emergency matters, including hazardous materials issues which impact SANBAG properties.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

Date: August 19, 2010

Subject: Administrative Function for Victor Valley Transit Authority

Recommendation:* Receive update on SANBAG's assistance with the In-House Administrative process for Victor Valley Transit Authority (VVTa).

Background: In December 2009 the SANBAG Board approved a consultant contract with Dhillon Management Services to provide professional services in the area of personnel and organization structure in assisting VVTa in the evaluation of administrative support models. This contract came as a result of the FY 2006-2008 Transportation Development Act Triennial Performance Audit of VVTa recommending the creation of a financial officer position. In addition the audit noted that the costs of continuing to contract for VVTa administrative function would be comparable to the costs of directly employing a management team.

Following the results of the Dhillon Management report, the VVTa Board of Directors decided to act on bringing the contracted administrative functions in house. The VVTa Board of Directors asked SANBAG to assist with the process for hiring an Executive Director and the drafting of a job description, posting of the position, and evaluation of qualified candidates, interviewing candidates, and drafting the employment contract. As a result of these activities, the VVTa Board of Directors with assistance from SANBAG staff, have conducted interviews and are currently negotiating an employment contract with the selected candidate.

*

Approved
Commuter Rail and Transit Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COG	X	CTC		CTA		SAFE		CMA	
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Check all that apply.
 CRTC1008e-bk

The VVTA Board will meet on August 16th to conduct final discussions with the selected candidate with a possible action to be announced during the August 16th open session. SANBAG will assist the new Executive Director with the next steps of securing health, medical, and retirement benefits as well as helping to determine additional staffing needs with the related job descriptions, and will be assisting with the necessary activities to begin the hiring process for support staff for VVTA.

Financial Impact: No financial impact on the 2010/2011 budget

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on August 19, 2010.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 8

Date: August 19, 2010

Subject: Comprehensive Operational Analysis (COA) of Omnitrans Services

Recommendation:* Approve Request for Proposal (RFP) 11044 for a Comprehensive Operational Analysis of Omnitrans Services

Background: SANBAG, acting as the Regional Planning Agency, is releasing a RFP for a comprehensive operational analysis (COA) of Omnitrans services. SANBAG routinely performs COA's for the transit agencies to ensure coordination among services as well as ensuring that transit agencies and regional policies are complementary to each other. Omnitrans last COA was conducted in 2006. Due to changes in the economy and reduced levels of local and state funding and potential impacts of SB 375 and AB 32, a new COA is needed to provide SANBAG and Omnitrans a better understanding of operational needs and funding challenges for the next 5 years as well as determining strategic direction for Omnitrans through 2020.

Financial Impact: No impact to the SANBAG budget; this will be a pass through of Omnitrans funds to SANBAG.

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on August 19, 2010.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

Approved
 Commuter Rail and Transit Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

X	COG	X	CTC		CTA		SAFE		CMA
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Check all that apply

CRTC1008a-bk

Attachment:

RFP11044-bk

**SAN BERNARDINO ASSOCIATED GOVERNMENTS
(SANBAG)**

**REQUEST FOR PROPOSAL
RFP 11044**

Comprehensive Operational Analysis of Omnitrans

September 1, 2010

Project Description

San Bernardino Associated Governments, acting at the as the San Bernardino County Transportation Commission, has planning, coordination and project approval responsibility for Omnitrans, the public transit service provider for the Valley portion of San Bernardino County.

San Bernardino Associated Governments is requesting proposals to conduct a Comprehensive Operational Analysis and Short Range Transit Plan for Fiscal Years 2012 – 2016 of Omnitrans.

RFP Documents

The RFP document is available at no charge by either download from SANBAG's website, <http://www.sanbag.ca.gov/about/contracting.html>, or by hard copy at SANBAG offices. For individuals with sensory disabilities, this document is available in alternate formats by calling SANBAG at 909-884-8276.

Estimated Schedule

September 1, 2010	SANBAG issues RFP
September 8, 2010	Pre-Proposal Meeting at SANBAG
September 17, 2010	Questions due to SANBAG
September 21, 2010	Responses to Interested Bidders
October 6, 2010	Proposals due to SANBAG by 2:00 pm
October 19, 2010	Consultant Interviews
November 18, 2010	Recommendation to Commuter Rail & Transit Policy Committee
December 1, 2010	SANBAG Board – Contract Award

This schedule is subject to change if determined necessary by SANBAG. Any changes will be issued by addendum to all firms obtaining a copy of this RFP.

Proposal Submission

All proposals must comply with the submittal requirements. Proposals that do not comply will be considered non-responsive and will be rejected. Proposals shall include the information and services requested and must be signed with the name and title of the person duly authorized to commit services by the firm.

Proposals shall be in a sealed box and addressed to:

Mitchell A. Alderman, PE, Director of Transit and Rail Programs, 1170 W. 3rd St., San Bernardino, CA 92410-1715 on or before **October 6, 2010 by 2:00 pm.**

No proposal received after the fixed time for receiving them will be considered. Late proposals will be returned to the proposer unopened. Proposals will not be publicly opened and will be kept confidential. Proposals are required for the entire scope of services described. Proposals that are not for the entire scope of services or improperly written, may be considered non responsive and rejected.

Firms responding to the RFP shall submit (8) eight copies of their proposals. One copy shall contain all original signatures and shall be labeled "Original Proposal".

Proposal Requirements and Organization

Firms shall review and base their proposals on the draft Scope of Services, Exhibit A. Strict conformance to the specified proposal format and completeness of the required content are essential. Firms that do not address all of the required submittals and associated documentation may be considered non responsive and will not be eligible for contract award. Each section of the proposal shall be tabbed in accordance with the numbering system shown below.

SANBAG strongly encourages the Proposal content and completeness to be most important. Elaborate, decorative, extraneous, and non recyclable materials are strongly discouraged. The proposal shall be submitted in an 8 ½ x 11 format and may use foldouts as necessary but shall not exceed 11 x 17. The cover shall clearly contain the project title, contract number and the firm's name. While the length of the proposal will not be limited, short and concise proposals are preferred. Excessive and wordy proposals could result in lower scores and non selection. The firms able to prepare a complete but succinct proposal may be scored higher.

Proposal Format

1. Letter of Transmittal

The letter of transmittal shall be addressed to Mr. Mitchell A. Alderman, PE including the following:

- An identification of the firm(s) involved in the Proposal and which firm of any joint venture is proposed as the prime consultant. While joint ventures are accepted, they are discouraged.
- A statement acknowledging the receipt of all addenda to the RFP that have been issued by SANBAG.
- A statement that the firm has reviewed and accepted the insurance requirements.
- A statement that the Proposal will remain in effect for 120 calendar days after the deadline for receipt of the Proposal by SANBAG.

- A contact person who should be notified of the Selection Committee's decision, a telephone number, fax number, e-mail, and mailing address.
- The name, title, address, e-mail, and telephone number of individual(s) with authority to bind the company contractually and who may also be contacted during the period of proposal evaluation.
- The legal form of the firm, i.e., sole proprietor, partnership, corporation, etc. If the firm is a corporation, the state in which the company was incorporated shall be identified.

2. Section 1 - Organization Chart

The Organization Chart shall show the relationship of all sub-consultants to the prime consultant and shall identify the staff member, responsibility, and firm name for each category and/or task. The chart shall be limited in format, i.e. - one (1), fold-out, one-page, 11" x 17" format.

3. Section 2 - Consultant Team Qualifications

The Consultant shall provide a summary of their team's qualifications and experience managing and executing similar projects. This section is limited to three (3) pages. It is strongly encouraged that extraneous and over-stated qualifications be eliminated.

4. Section 3 - Project Understanding and Approach

The Consultant shall discuss in detail their understanding and approach of the SANBAG's goals and objectives for the Project. From this, a complete and thorough approach is to be developed to demonstrate the Consultant's ability to provide SANBAG with a cost-effective and successfully executed project.

Using the draft Scope of Services from Exhibit "A", the Consultant should review and may make revisions as they see necessary. The proposed Scope of Services will be used for a final contract unless otherwise revised by SANBAG during contract negotiations.

5. Section 4 - Project Management

The Consultant shall demonstrate their abilities to manage the Project, not only for the prime consultant but how their relationship/processes with sub-consultants will be managed. This section shall at a minimum include the methods and means for project controls, QA/QC, resource allocation, and staff availability.

As discussed in Exhibit "A", federal money may be used for this contract. The Consultant shall discuss how they will comply with DBE/UDBE requirements should this be necessary.

6. Section 5 - Resumes

The Consultant shall provide resumes of key personnel that will be assigned to the Project. Resumes should describe what tasks the person performed on a project and not just a list of projects the person works on. Only show relevant information keeping resumes as short as possible.

7. Section 6 - Related Experience

The Consultant shall provide sufficient descriptions of related experience that will demonstrate their team's ability to perform the work as described in Sections 3 and 4 above,

limited to no more than 10 projects. Each related project shall be a maximum of one page long and clearly show the following items:

- Project Description
- Client
- Contract Amount of Consultant Services Provided
- Consultant Services Provided as Prime or Sub-consultant
- Duration of Services Provided
- Reference – Contact name, address, and phone and fax number. This as well as other sources may be used as a reference check of the Consultant's past performance.

8. Section 7 – Appendices/Miscellaneous/Supporting Documentation

This section may be used for the Consultant to include miscellaneous items.

Insurance Requirements

1. Comprehensive General Liability Insurance or Commercial General Liability Insurance, including coverage for Premises, Contractual Liability, Personal Injury Liability, Broad-Form Property Damage and Independent Contractor's Liability, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and \$2,000,000 aggregate written occurrence form.
2. Comprehensive Automobile Liability Coverage, including owned, non owned, and hired automobiles, in an amount of not less than \$1,000,000 per occurrence, combined single limit, and in an aggregate written on occurrence form.
3. Workers Compensation Insurance with limits established and required by the State of California

Consultant Selection Process

1. The Selection Team (ST) will evaluate each responsive proposal based on the selection criteria.
2. From the ST proposal evaluation, a short-list of the most qualified firms may be prepared for formal interviews. SANBAG may or may not conduct formal interviews. Besides the normal criteria, the evaluation will focus on the project understanding and approach, project management structure and process, and references
3. The ST may conduct interviews of the short-listed firms. The ST will determine the best qualified firm for the project.
4. Debriefing for firms are available after award of the contract by the SANBAG Board.

Exhibit “A”

Project Overview and Scope of Services

Request for Proposal Background

Comprehensive Operational Analysis and Short Range Transit Plan

SANBAG is the County Transportation Commission and as such is responsible for the planning and funding for the transportation agencies located within the County of San Bernardino. SANBAG is requesting proposals to conduct a Comprehensive Operational Analysis and Short Range Plan for fiscal years 2012 – 2016 and to provide strategic direction for Omnitrans through 2020. Omnitrans is the primary transit provider in the valley portion of San Bernardino County. SANBAG is responsible for evaluating and approving all transportation projects proposed for funding within the county under federal, Transportation Improvement Program, Transportation Development Act program administration, technical planning and assistance to Omnitrans and other agencies with the County. SANBAG recently completed a Long Range Transit Plan, documents can be found under Commuter Information on the SANBAG website (www.sanbag.ca.gov). The 2006 Omnitrans COA is available on the Omnitrans website (<http://www.omnitrans.org/news/reports.shtml>)

Omnitrans is the public transit provider in the San Bernardino Valley which is an urbanized area serving 15 cities, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland and Yucaipa as well as unincorporated communities of Bloomington, Mentone and Muscoy. The area encompasses 480 square miles with a population of approximately 1.2 million persons.

Omnitrans is a joint powers agency formed in 1976 and is governed by a Board of Directors from each of the areas described above.

Currently, Omnitrans provides fixed route bus service with ADA demand response service (ACCESS). In addition, Omnitrans offers general public dial a ride services in the cities of Chino Hills, Yucaipa and soon in the City of Grand Terrace.

Omnitrans will soon start construction of the new Bus Rapid Transit project called sbX which will run on the E Street Corridor between San Bernardino and Loma Lind with the service up and running by 2012/13.

Omnitrans uses Trapeze for day to day operations and scheduling, employs automated passenger counters to monitor transit use, and has mobile data terminals and automatic vehicle locators on board transit vehicles.

SCOPE OF WORK

Introduction

Proposers are requested to design a three-phased work effort to most effectively and completely address the issues identified. The first phase involves a detailed review of existing conditions for all Omnitrans' operational and capital programs including a financial analysis of the relationship of service costs to anticipated funding over the next five years. Phase II sets forth the recommended direction in all required areas based upon the Phase I analysis. Phase II shall include, for the recommended direction related to each service component a capital and operations financial plan for five years with strategic direction through 2020. Phase III shall provide an implementation plan detailing the sequence of activities and identifying the responsible parties and finalized financial plan. The proposed implementation plan should anticipate provision of selected tools or strategies by which to realize recommended directions with some budget reserved by the proposer to pursue these.

SANBAG will be managing this COA and anticipates that a technical advisory committee consisting of Omnitrans and SANBAG staff that will jointly monitor the course of the study effort.

The following generally describes the work to be performed. The actual scope may vary depending on consultant contract negotiations.

PHASE I

1. Comprehensive Operating Analysis of All Services

The consultant will undertake a broad gauged comprehensive operation analysis of all Omnitrans services (fixed route, ACCESS and community circulators) and related policies by which these services are provided. This evaluation of existing operating conditions shall be in relation to service performance, running times, recovery times, recovery time locations, deadhead hours/miles, schedules, transfer connections, service needs, service strategies, service policies, performance standards, on time performance and stakeholder/customer needs. All strategies deemed useful to this analysis shall be undertaken by the consultant.

2. Financial Analysis

The financial plan shall review the current and projected operating and capital costs, revenues, and fare recovery standards over the immediate five year period. This financial analysis should take into consideration diminishing local and state revenues as well as a future that anticipates competing projects for the current funding base. Financial projections will be supplied by SANBAG but may also be supplemented by the proposer's assessment of likely costs and revenues for Omnitrans current service mix.

3. Service Policies Analysis

Develop a strategic planning approach to be used in preparing an analysis of and then proposed development, review, or modification of service policies, goals, and objectives, including performance standards by which to measure current and future performance.

4. Service Needs

A method shall be proposed and undertaken to evaluate service needs from external and internal stakeholders providing a rationale for both the methods and target audiences.

5. Administrative Functions

Evaluate Omnitrans' current positions and functions as well as employee benefits comparison to ensure the agency has the appropriate staffing levels to be successful and competitive and that these are appropriate based upon recommended direction that this study may provide.

6. Transition of Services and Outsourcing

SANBAG is in the process of designating a *Consolidated Transportation Services Agency* for the San Bernardino Valley. Perform an analysis of the feasibility, benefits, and limitations of the transfer of ACCESS services from Omnitrans to the new CTSA.

Perform an analysis and a proposed process for Omnitrans to outsource some or all of its fixed routes and other services in a manner that ensures the most cost effective service-delivery method possible.

7. Summary of findings

The results of the preceding tasks, in addition to any other activities that may be proposed and undertaken by the consultant, shall be compiled along with a summary of findings and discussion of the issues. This summary shall assess the current structure Omnitrans services in terms of the degree of match and mismatch with identified mobility needs and issues.

A discussion of performance measures shall be included, assessing individual services' relative viability to measures of effectiveness and efficiency and of TDA-required minimum farebox recovery ratios. Coverage of the overall service area as well as coverage of individual jurisdictions shall be addressed.

PHASE II

1. Identify Service Alternatives

The consultant shall prepare alternatives based upon the review and discussion of issues from Phase I. These shall be developed in the context of existing, identifiable funding levels, but may also incorporate reasonable expectations of bringing in new funding sources, where such funds are identified. Most alternatives are expected to address the design and configuration of transit services. Issues to be addressed include:

- Restructuring of the routes as needed.
- Commuter service, limited, and express service options as appropriate.
- Restructured fixed-route and community deviated fixed-route services.
- Transition plan for ADA complementary paratransit services to the CTSA, if recommended
- Relative cost effectiveness (projected cost per rider per service mode, under various scenarios).
- Strategies to address reduction of funding levels.
- Proposed fare policy and discounted fare policy.

The advantages and disadvantages of proposed alternatives shall be identified. At a minimum, any alternative identified shall address:

- ADA implications of restructured services.
- Ridership implications.
- Organizational roles and changes in those e.g. SANBAG and Omnitrans respective roles in relation to proposed service alternatives and structures.
- Budgetary implications (operations and capital requirements as they relate to existing funding levels).
- Staffing and labor implications including discussion of any necessary changes to the staffing patterns/ roles and responsibilities in order to bring about selective recommendations.
- Implementation timeframes.

2. Public Comment Opportunity

Upon preparation of the outline of proposed alternatives, the consultants shall schedule and conduct a noticed public meeting. This meeting shall be held for purposes of providing the public with an opportunity to hear a summary of key study findings, the proposed service goals and objectives, and a presentation of the proposed service alternatives. The public will be invited to offer comment and observations on the proposed alternatives for consideration by the consultant and staff in developing the preferred alternative(s).

The consultant shall be responsible for designing the public meeting format, presenting study findings and proposed service alternatives, and receiving public comment. Some formal written summary of public comments shall be prepared and included as part of the final study products. Omnitrans will be responsible for disseminating notice of the public meeting.

Phase III

1. Preparation of Action Plan

Modified by input developed by SANBAG and Omnitrans staff and responsive to comments or concerns raised by members of the public, the consultant team shall identify the preferred alternatives and prepare an action plan.

At a minimum this shall include:

1. Short term recommendations -- immediate changes and modifications for implementation within one year, with identified responsible parties.
2. Prioritized longer-term changes, possibly with a phased-in program over three years.
3. Strategic changes over period through 2020.
4. Any changes in staffing patterns, positions, and duties of Omnitrans administration in relation to key administrative functions for short-term and longer-term recommendations.
5. Operations and capital budget requirements and funding plan including identification of funding sources.
6. Timeline for implementation, related to near, mid-term and longer-term actions.
7. Selected strategies or tools for implementation.

Any immediate changes proposed to the routing structure shall be accompanied by detailed graphic depictions of route modifications. Longer-term routing changes may be described conceptually in narrative form and shall also be conveyed in some graphic format (e.g. connecting coverage to this area/region of the larger service area, or running a semi-schedule route through this area).

2. Presentation of the Action Plan

The Action Plan, in draft and in finalized formats, shall be presented to the SANBAG Commuter Rail and Transit Committee. Bound and electronic documents of the draft and final documents shall be provided to SANBAG.

Minute Action

AGENDA ITEM: 9

Date: August 19, 2010

Subject: The Consolidated Transportation Services Agency (CTSA) for the San Bernardino Valley

- Recommendation:***
1. As required in Section 6680 of Title 21 of the California Code of Regulations, designate Valley Transportation Services, the nonprofit corporation identified in Resolution 11-004 to act as a CTSA for the San Bernardino Valley, contingent upon the legal formation of such nonprofit corporation.
 2. Appoint the SANBAG appointees to the CTSA as original incorporators of the nonprofit corporation.
 3. Authorize a budget amendment to establish a 2% pass through of the Valley Senior and Disabled transit fund using task 4170.50.0513.54800.
 4. Allocate and transfer an amount not to exceed \$250,000 in Measure I, CTSA provision funds to the nonprofit corporation for startup activities and reimbursement for SANBAG staff costs.

Background: On August 4th, 2010 the SANBAG Board of Directors approved the establishment of a new nonprofit entity to serve as the Consolidated Transportation Services Agency for the Valley portion of San Bernardino County. Measure I provides that SANBAG direct funds to the creation of a CTSA which will be responsible for the coordination of transit services provided to seniors and persons with

*

					Approved Commuter Rail and Transit Committee Date: _____ Moved: _____ Second: _____ In Favor: _____ Opposed: _____ Abstained: _____ Witnessed: _____				
<input type="checkbox"/>	COG	<input type="checkbox"/>	CTC	<input type="checkbox"/>	CTA	<input type="checkbox"/>	SAFE	<input type="checkbox"/>	CMA

Check all that apply
 CRTC1008c-bk
 Attachments:
 RES11004-bk
 CRTC1008c1-bk
 CRTC1008c2-bk

disabilities. The next step required of SANBAG is to appoint the three (3) SANBAG appointees to the Board of Directors of the soon to be incorporated CTSA. The remaining four (4) Board members to be appointed by Omnitrans and the County of San Bernardino must be identified within ninety (90) days. In order to complete the legal formation of the new nonprofit corporation, the three original Board Members are needed to sign and submit the Articles of Incorporation and By-Laws to the State of California (proposed drafts are attached).

Once the proper documents are filed by the incorporators of the new entity and the nonprofit corporation is identified by the State, SANBAG's designation of the new nonprofit corporation as the CTSA pursuant to the regulations will become final. With this item, the designation will automatically occur at the time of the official incorporation of the nonprofit corporation. SANBAG Staff will obtain copies of the incorporation documents as approved by the State.

Funding for a CTSA has been identified in the reauthorization of Measure I, in an amount of at least 2% of the revenues collected in the Valley portion of San Bernardino County to be directed for the creation and operation of a CTSA. Staff is recommending an initial allocation of \$250,000 in Measure I funding be transferred to the new nonprofit corporation designated as a CTSA herein, to be used for start up expenses, which are expected to include the hiring of staff, securing office space and required IT services such as telephone and computer equipment. SANBAG staff will act as support staff until the CTSA has recruited and hired its own staff.

Once the CTSA's board is established and an Executive Director is hired, it is expected that SANBAG and the CTSA will execute a funding agreement, the provisions of which are still to be determined but which are anticipated to include, among other things, the nonprofit corporations' approved budget and reporting requirements. The funding agreement will need SANBAG approval and Staff anticipates an agreement to come back to committee within the next several months for approval.

Financial Impact: A budget amendment will be required establishing new task number 4170.50.0513.548000 under the Measure I Senior and Disabled Fund.

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on August 19, 2010 and has been reviewed by SANBAG Counsel.

Responsible Staff: Mitch Alderman, Director of Transit and Rail Programs

RESOLUTION NO. 11-004

RESOLUTION OF THE SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION DESIGNATING VALLEY TRANSPORTATION SERVICES AS THE CONSOLIDATED TRANSPORTATION SERVICES AGENCY FOR THE SAN BERNARDINO VALLEY

WHEREAS, the San Bernardino County Transportation Commission (SANBAG) is the designated transportation planning agency for San Bernardino County; and

WHEREAS, SANBAG is required in Section 6680 of Title 21 the California Code of Regulations to designate a Consolidated Transportation Services Agency (CTSA);

WHEREAS, the SANBAG Board of Directors shall designate an entity other than itself to be the CTSA and may designate a nonprofit public corporation whose mission is to improve mobility issues and provide for persons with disabilities, low income persons, and persons of low income; and

WHEREAS, at least 2% of the Valley portion of Measure I is specifically allocated to a designated CTSA for said purposes.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of San Bernardino County Transportation Commission hereby finds that:

1. SANBAG designates VALLEY TRANSPORTATION SERVICES (VTS) as a CTSA for the San Bernardino Valley contingent upon its successful incorporation as a nonprofit public corporation under the laws of the State of California, with proof of incorporation provided to the satisfaction of SANBAG staff no later than November 1, 2010.
2. SANBAG will provide funding to VTS as a pass-through from SANBAG to VTS as outlined in Measure I – 2010-2040, 2% of the Valley Measure revenue as identified in the Measure I Strategic Plan, and as to be more fully agreed upon in a funding agreement between SANBAG and VTS.
3. SANBAG will conduct a review of the performance of the CTSA no later than FY 2015.

Approved by the Board of Directors of the San Bernardino County Transportation Commission
at a regular meeting thereof held this September 1, 2010.

*

*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed:

Articles of Incorporation
Of the San Bernardino Valley CTSA
A California Nonprofit Public Benefit Corporation

I

The name of this nonprofit public benefit corporation is Valley Transportation Services, a Consolidated Transportation Services agency (CTSA).

II

The location of its principal place of business shall be at 1170 W. 3rd. Street, San Bernardino, CA, 92410 , but it may establish other places of business and other offices at those other places within the County of San Bernardino as the board of directors may from time to time determine.

III

This corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

The specific public and charitable purposes of this corporation are:

A. to improve the quality and effectiveness of transportation services to senior citizens, persons with disabilities and persons of low income through coordination of transportation services with social services and other charitable organizations within the area described as the western portion of San Bernardino County including the cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Montclair, Loma Linda, Ontario, Rancho Cucamonga, Rialto, San Bernardino, Upland and Yucaipa, defined herein as the "San Bernardino Valley".

B. to identify, organize and serve the special transit needs of senior citizens, persons with disabilities and persons of low income within the San Bernardino Valley.

C. to provide supportive transit services to other agencies within San Bernardino Valley.

IV

The name and address in the State of California of this corporation's initial agent for service of process is:

Name:

Address:

City:

State:

V

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Internal Revenue Code section 501 (c) (3).

B. No part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

VI

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Internal Revenue Code section 501 (c) (3).

In Witness Whereof, the following Incorporators have executed these Articles of Incorporation of the San Bernardino Valley CTSA as of _____, 2010:

Name of Incorporator

Name of Incorporator

Bylaws of San Bernardino Valley CTSA

Article I – Name, Offices and Purpose

1. The name of this nonprofit public benefit corporation is Valley Transportation Services, a Consolidated Transportation Services agency (CTSA).
2. The location of the principal place of business shall be at _1170 W. 3rd. Street, San Bernardino, CA, 92410.
3. The purposes of the San Bernardino Valley CTSA are to:
 - a. Improve the quality and effectiveness of transportation services to senior citizens, persons with disabilities and persons of low income within the area described as the western portion of San Bernardino County including the cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Montclair, Loma Linda, Ontario, Rancho Cucamonga, Rialto, San Bernardino, Upland and Yucaipa, referred to herein as the “San Bernardino Valley”.
 - b. Identify, organize and service the special transit needs of senior citizens, person with disabilities and persons of low income within the San Bernardino Valley.
 - c. To provide support transit services to other agencies within the San Bernardino Valley.

Article II – Membership

The Board of Directors shall constitute the members.

Article III – Board of Directors

1. Board Role, Size and Compensation
 - a. Subject to the limitations as prescribed by the Nonprofit Public Benefit Corporation Law, all corporate powers shall be exercised by or at the direction of, and the business and affairs of the Corporation shall be managed by, the Board of Directors. The individual directors shall act only as members of the Board, and the individual directors shall have no power as such.
 - b. The Board is comprised of 7 members who shall be appointed as follows:
 - Three (3) appointed by San Bernardino Associated Governments (must be representative of the San Bernardino Valley)
 - Two (2) appointed by San Bernardino County Board of Supervisors (must be representative of the San Bernardino Valley area)
 - Two (2) appointed by Omnitrans – must be representative of designated population
 - c. The Board members may be elected officials or members of the general public representative of the designated populations.
 - d. The Board members shall receive no compensation other than the reimbursement of reasonable expenses incurred on behalf of the San Bernardino Valley CTSA.
 - e. A SANBAG representative shall serve as an ex-officio member of the Board of Directors.

- f. Members of the Board shall not be entitled to designate or send an alternate for attendance or voting at meetings.

2. Terms of Office, Resignations, and Vacancies:

- a. The term of a director is three year terms, and each is eligible for re-appointment for a maximum of two consecutive terms.
- b. Any director may resign at any time by giving written notice of such to the President, Secretary, Treasurer, or Board and to that director's appointing body pursuant to Article III, 1. b. Such resignation shall take effect at the time specified in the notice
- c. The term of office of any director shall expire and there shall be a vacancy on the Board in the event the Board declares the term of a director to have expired following a failure by that director to attend three consecutive meetings of the Board whether excused or unexcused or who has a total of four unexcused absences in a 12 month period. A letter will be sent to the appointing body with a notification of the member's status.

3. Board of Directors Meetings and Notices:

- a. Regular Meetings: The Board of Directors shall meet at least quarterly, at an agreed upon time and place. An official Board meeting requires that each Board member have written notice at least two weeks in advance. Board members are required to call the Secretary to the Board of Directors at least 48 hours in advance when they are unable to attend a regularly scheduled meeting of the Board. Members who fail to so notify the Secretary to the Board of Directors prior to the scheduled meeting will be considered unexcused. Notice to the public shall be given in manner as required by applicable law, including the Brown Act.
- b. Special Meetings: Special meetings of the Board for any purpose may be called at any time by the President or by two directors. Notice of the time and place of special meetings shall be given to each director by personal delivery of written notice, by e-mail, by facsimile, either directly to the director or to a person at the director's office who would reasonably be expected to communicate such notice promptly to the director. The notice of a special meeting need not state the purpose of the meeting.

4. Quorum:

Not less than a majority of the Directors currently appointed and serving shall constitute a quorum of the Board of Directors. Every act or decision made by a majority of the directors present at a meeting duly held at which a quorum is present shall be the act of the Board subject to the provisions of these Bylaws and/or the California Nonprofit Public Benefit Corporation Law. In the absence of a quorum at any meeting of the Board, a majority of the directors present may adjourn the meeting. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of enough directors to leave less than a quorum, if any action taken is approved by at least a majority of the required quorum for such meeting.

Article IV Officers and Duties:

- a. There shall be four officers of the Board, consisting of a chair, vice chair, secretary and treasurer, all of whom shall hold their respective office for a term of one year. Officers of the Board shall be

elected at a Board meeting to be held in December of each year for a term beginning on January 1 of the subsequent year and ending on December 31 of that subsequent year.

b. The officers' duties are as follows:

The **chair** shall convene regularly scheduled Board meetings, shall preside or arrange for other members of the executive committee to preside at each meeting in the following order, vice chair, secretary and treasurer, and shall with ratification of the Board appoint persons to all committees. The **vice chair** shall chair committees on special subjects as designated by the Board.

The **secretary** shall maintain a record of the proceedings of all meetings of the Board; serve all notices required by Law or by the Bylaws; answer all correspondence requiring response or which may be submitted for such purpose by another officer. The Secretary shall maintain a complete up to date and accurate record of the Articles of Incorporation, Bylaws and any amendments to the Bylaws and file with the Secretary of State any amendments to the Articles of Incorporation.

The **treasurer** shall make a report quarterly to the Board on the financial statement of the corporation and more frequently as requested by the Board. The books and records of the corporation in the hands of the secretary or treasurer shall be open to inspection at all times to the Board of Directors. There shall be an annual audit by a certified public accountant.

The Board may authorize any officer, employee or agent, in the name and on behalf of the corporation, to enter into any contract or execute and satisfy any instrument, and any such authority may be general or confined to specific instances, or otherwise limited. In the absence of any action by the Board to the contrary, the Chair [and/or the Executive Director] shall be authorized to execute such instruments on behalf of the corporation.

All checks, drafts and other orders for the payment of money out of the funds of the corporation, and all notes or other evidences of indebtedness of the corporation, shall be signed on behalf of the corporation by the Treasurer or by such other officer or employee as may be determined by the Board.

Article V – Committees

1. The Board may, by majority vote of the directors then in office, create such other committees of the Board on any subjects within the powers or purposes of the Corporation, as needed. The Board chair shall appoint all committee chairs.
2. The Executive Committee shall consist of the four officers. Except for powers to amend the Articles of Incorporation and Bylaws, the executive committee shall have all the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors, and is subject to the direction and control of the full Board.

3. A Finance Committee consisting of 3 Board Members one of whom must be the Board Treasurer; the committee would, among other things, be required to review the annual audit, oversee preparation of the annual budget by the staff, and monitor financial performance on an ongoing basis through records provided by staff

Article VI – Executive Director and Staff

1. Executive Director – the Executive Director is hired by the Board. The Executive Director shall fulfill the day to day responsibilities for the organization including carrying out the organization's goals and policies. The Executive Director will attend all Board meetings, report on the progress of the organization, answer questions of the Board of Directors and carry out the duties described in the job description. The Board of Directors can designate other duties as necessary.
2. The Executive Director is responsible to hire staff as needed. The Executive Director has the authority to hire and to make staffing adjustments when necessary. The Board of Directors can terminate the Executive Director as provided in the employment contract.

Article VII – Indemnification of Directors and Officers and Insurance

1. Right of Indemnity. To the full extent permitted by law, this corporation shall indemnify its directors, officers, employees and other persons described in Section 5238(9a) of the California Corporations Code, including persons formally occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with any "proceeding", as that term is used in such Section and including an action by or in the right of the corporation, by reason of the fact that such person is or was a person described by such section. "Expenses" as used in the Bylaws shall have the same meaning as in Section 5238(a) of the California Corporations Code.
2. Approval of Indemnity. Upon written request to the Board by any person seeking indemnification under Section 5238(a) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine in accordance with Section 5238(e) of the Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and if so the Board shall authorize indemnification. If the Board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevent the formation of a quorum of directors who are not parties to such proceeding, the Board or the attorney or other person rendering services in connection with the defense shall apply to the court in which such proceeding is or was pending to determine whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met.
3. Advancement of Expenses. To the full extent permitted by law and except as is otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification under this Article VII in defending any proceeding covered by the Article shall be

advanced by the corporation prior to the final disposition of the proceeding upon receipt by the corporation of an undertaking by or on behalf of such person that the advance will be repaid unless it is ultimately determined that such person is entitled to be indemnified by the corporation therefore.

4. Insurance. The corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its officers, directors, employees and other agents of the corporation, against any liability asserted against or incurred by an officer, director, employee or agent in such capacity or arising out of the officers, directors, employees or agents status as such.

Article VIII – Amendments

1. The Bylaws may be amended at any meeting of the Board by a majority vote of the current membership of the Board, provided the proposed amendment has been sent to each director at least thirty (3) days before the meeting.

CERTIFICATE OF SECRETARY

I, _____, HEREBY CERTIFY THAT:

I AM THE DULY ELECTED AND ACTING Secretary of the San Bernardino Valley CTSA, a California nonprofit public benefit corporation; and the foregoing Bylaws constitute the adopted Bylaws of said Corporation duly adopted _____[unanimously]____by the Board of Directors effective _____, 2010.

IN WITNESS WHEREOF, I have hereunder subscribed my name this ____ of _____, 2010.

/s/ _____

[Name, Title]

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 10

Date: August 19, 2010

Subject: Amendment No. 1 to Contract C09114 with Paratransit Inc.

Recommendation:* Approve Amendment No. 1 to Contract C09114 with Paratransit Inc., doing business as Innovative Paradigms, for the design study of the Consolidated Transportation Services Agency, to increase the total amount of the contract by \$100,000 for a not-to-exceed contract amount of \$199,477.73 and to extend the contract term to December 31, 2011.

Background: On May 6, 2009 SANBAG entered into an agreement with Paratransit Inc., doing business as Innovative Paradigms to conduct a study in reference to the creation of a Consolidated Transportation Services Agency for the San Bernardino Valley. In January of 2010, SANBAG extended the contract for a time only extension to January 2011. SANBAG is now in the stages of finalizing the creation of a new nonprofit agency designated to be the CTSA for the Valley and is recommending a contract amendment. SANBAG sees the need for further consultant assistance for the newly formed CTSA to further implement the recommended steps and to assist the newly formed agency in startup activities, such as the administrative organization, accounting, human resources, legal, facility consultation, technical assistance, assist with permanent staff recruitment, and other functional program creation activities.

Financial Impact: The approval of this amendment is consistent with the adopted budget. Funding for this project is provided under Task 31911000 Valley Measure I Senior and Disabled Fund.

*

Approved
 Commuter Rail and Transit Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

X	COG		CTC		CTA		SAFE		CMA
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Check all that apply

CRTC1008d-bk

Attachment:

C09114-1-bk


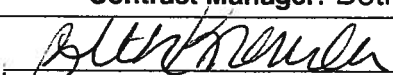

Commuter Rail and Transit Agenda Item
August 19, 2010
Page 2

Reviewed By: This item is scheduled for review by the Commuter Rail and Transit Committee on August 19, 2010, and has been reviewed by SANBAG Counsel.

Responsible Staff: Mitch Alderman, Director of Transit & Rail Programs

SANBAG Contract No. **C09114**
by and between San Bernardino Associated Governments and Paratransit, Inc.
for the Design Study of the CTSA

FOR ACCOUNTING PURPOSES ONLY						
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # <u>C09114</u> Vendor ID <u>PIIP</u>		Retention: <input checked="" type="checkbox"/> Yes <u>10</u> % <input type="checkbox"/> No		<input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment	
Notes: Retention is 10% of total labor						
Original Contract: \$ <u>99,477.73</u> Contingency / Allowance Amount \$ _____		Previous Amendments \$ <u>0</u> Previous Amendments \$ _____ Contingency / Allowance Total: Current Amendment: \$ <u>100,000</u> Current Amendment Contingency / Allowance: \$ _____ Contingency Amount requires specific authorization by Task Manager prior to release.				
Contract TOTAL ►						\$ <u>199,477.73</u>
* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.						
▼ Include funding allocation for the original contract or the amendment						
Main Task/Project	Level 1	Level 2	Cost Code/Object	Grant ID/Supplement	Funding Sources/ Fund Type (Measure I, STP, CMAQ, etc.)	Amounts for Contract Total or Current Amndmnt Amt
<u>0319</u>	<u>30</u>	<u>0319</u>	<u>52005</u>	<u>4170</u>	<u>M I Valley S & D</u>	<u>\$ 100,000</u>
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____
Original Board Approved Contract Date:				<u>5/6/09</u>	Contract Start: <u>5/6/09</u>	Contract End: <u>1/6/11</u>
New Amend. Approval (Board) Date:				<u>9/10</u>	Amend. Start: <u>1/7/11</u>	Amend. End: <u>12/31/11</u>
Allocate the Total Contract Amount or Current Amendment amount between Approved Budget Authority in the current year and Future Fiscal Year(s) Unbudgeted Obligation .						
Approved Budget Authority ►		Fiscal Year: <u>10/11</u> \$ <u>100,000</u>		Future Fiscal Year(s) – Unbudgeted Obligation ►		\$ _____
<input checked="" type="checkbox"/> Budget authority for this contract currently exists in Task No. <u>31911</u> (C-Task may be used here.). <input type="checkbox"/> A budget amendment is required. A Budget Amendment Request is attached.						

CONTRACT MANAGEMENT	
Check all applicable boxes:	
<input type="checkbox"/> Intergovernmental <input type="checkbox"/> Private <input type="checkbox"/> Disadvantaged Business Enterprise (DBE)	<input type="checkbox"/> Federal Funds <input checked="" type="checkbox"/> State/Local Funds <input type="checkbox"/> Underutilized DBE (UDBE)
Task Manager: Mitch Alderman	Contract Manager: Beth Kranda
 Task Manager Signature	 Contract Manager Signature
<u>8/12/10</u> Date	<u>8/11/10</u> Date
 Chief Financial Officer Signature	<u>8/12/10</u> Date

**Contract C09114
Amendment No. 1
Between
San Bernardino Associated Government
And
Paratransit, Inc. (Innovative Paradigms)**

This Amendment Number 1 to Contract C09114 is hereby made and entered into this first day of September 2010 by and between San Bernardino Associated Governments (hereinafter referred to as "Agency") and Paratransit, Inc. (Innovative Paradigms) (hereinafter referred to as "Contractor") with regard to the Design Study for a Consolidated Transportation Services Agency (CTSA) for the Valley portion of San Bernardino.

Whereas, Agency and Contractor previously entered into contract C09114 ("Contract") on May 6, 2009 for the Design Study and

Whereas, Agency desires to amend Contract by extending the Time of Performance and increasing the Contract Budget Authority for additional project management expenses and

Whereas, Contractor has prepared a Scope of Work and an estimated not to exceed cost amount which Agency agrees to and Agency agrees with the Time of Performance extension

Now therefore, the Parties hereto do mutually agree to amend the Contract in the following manner:

1. Section 4 – Term is amended to extend the time of the contract performance to December 31, 2011.
2. Section 6 – Compensation is amended to increase payment to Contractor by an amount not to exceed One Hundred Thousand Dollars (\$100,000) for a new not-to-exceed amount of One Hundred Ninety Nine Thousand Four Hundred and Seventy Seven Dollars and Ninety Three Cents (\$199,477.93). Agency shall continue to retain ten percent (10%) of the invoiced Total Labor Cost (direct labor, overhead and fee expenses) until the successful completion of the work to be performed.

All other terms and conditions contained in the Contract shall remain in full force and effect.

In Witness Whereof, the authorized parties have signed below.

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS**

**PARATRANSIT, INC.
(INNOVATIVE PARADIGMS)**

Brad Mitzelfelt
President

Linda Deavens
Chief Executive Officer

Dated: _____

Dated: _____

Approved as to Form:

Jean-Rene Basle
SANBAG Counsel

Dated: _____

Scope of Work

Task 1

Agency Startup:

- Administrative Organization (office functions, accounting, Human Resources, Legal)
- Facility consultation (space requirements, layout)
- Technical Assistance with partner financial arrangements

Task 2

Management

- Assistance with permanent staff recruitment

Task 3

Functional Program Creation

- Identify agency partner opportunities
- Advise regarding partner structural setup
- Technical assistance regarding travel training, maintenance, ADA/CTSA relationship
- Management oversight development

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996

